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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/470,041 | 12/22/1999 | WILLIAM NG | AND1P397 | 5695 |

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| EXAMINER |
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CUFF, MICHAEL A

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| ART UNIT | PAPER NUMBER |
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DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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Commissioner for Patents

The timely amendment filed on 8/25/03 is not fully responsive to the prior Office action because applicant has canceled all claims directed to the elected invention.

Claims 19-50 are drawn to the processing of a sale in a virtual trade financial framework. Claims 1-18 are drawn to initiating bidding in a virtual trade financial framework. Newly submitted claims 19-50 are directed to an invention that is independent or distinct from the invention originally claimed invention, claims 1-18. The inventions are distinct, each from the other because the inventions of sales processing (claims 19-50) and bidding structure (claims 1-18) are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of sales processing has separate utility such as processing any sale, not just a sales agreement based on a bidding process. See MPEP § 806.05(d). Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 19-50 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Note MPEP 819, "Note that the applicant cannot, as a matter of right, file a request for continued examination (RCE) to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined (i.e., applicant cannot switch inventions by way of an RCE as a matter of right)." Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action.

**MICHAEL CUFF
PRIMARY EXAMINER**